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12 *Attorneys for Defendants Las Vegas Metropolitan Police Department, Detective Jarrod Grimmett, Officer John Collins, and Officer Jonathan Smith*

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF NEVADA**

15 RHONDA SHADE, LOWELL SHADE,
16 Pro Se

17 Plaintiff,

18 v.

19 CLARK COUNTY, CITY OF LAS
20 VEGAS LAS VEGAS METROPOLITAN
21 POLICE DEPARTMENT, OFFICER A.
22 ASH #9325, J. SMITH #9342, J.
23 COLLINS #9322, DET. J. GRIMMETT
24 #7056, SGT. MCGRATH,

25 Defendants.

Case No. 2:15-cv-01016-RFB-PAL

**MOTION [AND PROPOSED ORDER]
TO EXTEND TIME TO PLEAD OR
OTHERWISE RESPOND TO
PLAINTIFFS' COMPLAINT**

[FIRST REQUEST]

26 COMES NOW, Defendants Las Vegas Metropolitan Police Department ("LVMPD"),
27 Detective Jarrod Grimmett, Officer John Collins, and Officer Jonathan Smith (collectively
28 "Defendants"), by and through their counsel, the law firm Enenstein Ribakoff LaVina & Pham,
and files their Motion [and Proposed Order] to Extend Time to Plead or Otherwise Respond to
Plaintiffs' Complaint (the "Motion").

This Motion is made and based upon LR 6-1, LR 6-2, Fed.R.Civ.P. 6, the memorandum
of points and authorities, all pleadings, papers, and other documents on file on this action.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiffs Rhonda Shade (“Ms. Shade”) and Lowell Shade (“Mr. Shade”) (collectively “Plaintiffs”) allege they are medical marijuana patients when, on March 19, 2011, they were arrested by Defendants, charged with crimes, and damaged by the disposal of in excess of 37,700 grams of marijuana, plants, fans, lights, and other property in violation of their constitutional and statutory rights. (See Comp. at p. 4-9, ECF No. 1). On October 1, 2015, Plaintiffs filed a lawsuit in state court alleging violations of Nevada’s state constitution and state statutes and the following day, on October 2, 2015, Plaintiffs’ filed this parallel lawsuit alleging claims under 42 U.S.C. §1983. (Id. at p. 10, ¶1). Defendants’ respectfully request an extension of time to **Monday, November 16, 2015** in which to plead or otherwise respond to this federal court complaint.

Federal Rules of Civil Procedure 6(b)(1)(A) states, for good cause shown, a court may extend the time in which to respond to a pleading if the request is made before the original time expires:

(b) Extending Time.

(1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time:

(A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires

Fed.R.Civ.P. 6(b)(1)(A).

Here, the original time for Defendants to respond has not expired; it expires in three days on Friday, October 23, 2015. (see Summons, Oct. 2, 2015, on file). Defendants respectfully submit good cause exists to extend their time to respond to Plaintiffs’ Complaint because this case involves multiple complex issues of fact and law, including two prior criminal proceedings (see Comp. at p. 6, ¶4, ECF No. 1), an administrative grievance proceeding (id. at

p. 11, ¶4), and a parallel state court lawsuit (*id.* at p. 10, ¶1). Defendants therefore request additional time to obtain affidavits and testimony from the prior criminal proceedings and administrative grievance proceeding to analyze the facts and law to formulate Defendants' response to Plaintiffs' Complaint. Further, Defendants time in which to respond to Plaintiffs' state court complaint is extended to 45 days pursuant to Nev.R.Civ.P. 12(a)(3) because Defendants are political subdivisions and employees of the State of Nevada, whereas additional time is only granted to the United States and employees in federal court under Fed.R.Civ.P. 12(a)(3). Defendants therefore request an extension of time to **Monday, November 16, 2015**, so their response to Plaintiffs' federal court complaint is due on the same date as Defendants response to Plaintiffs' state court complaint.

II. CONCLUSION

Defendants respectfully request this Court's order extending their time to plead or otherwise respond to Plaintiffs' Complaint to on or before **Monday, November 16, 2015**.

DATED this 20th day of October, 2015.

ORDER

Based upon the above and foregoing,

IT IS SO ORDERED.



RICHARD F. BOULWARE, II

United States District Judge

DATED this 26th day of October, 2015.

Respectfully submitted,

ENENSTEIN RIBAKOFF LAVINA & PHAM

/s/ Robert A. Rabbat

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*Attorneys for Defendants Las Vegas Metropolitan
Police Department, Detective Jarrod Grimmatt,
Officer John Collins, and Officer Jonathan Smith*

CERTIFICATE OF SERVICE

Pursuant to Fed.R.Civ.P. 5(b), I hereby certify that on the 20th day of October, 2015, I served a true and correct copy of the foregoing **MOTION [AND PROPOSED ORDER] TO EXTEND TIME TO PLEAD OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT [FIRST REQUEST]** on the interested parties named below:

X

BY U.S. Mail: The document(s) served via U.S. mail to the address(s) listed below

Rhonda Shade
Lowell Shade
50 Emery Street
Pahrump, NV 89048
Telephone: (775) 419-4497
In Proper Person

/s/ Michelle Choto

Michelle Choto